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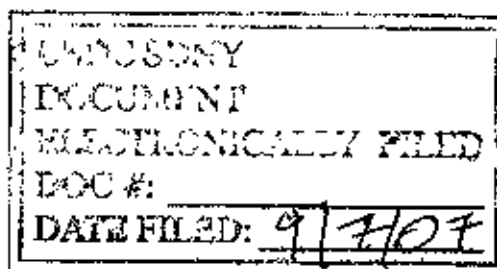
ANDREW M. CUOMO
Attorney General

CRIMINAL DIVISION
Federal Habeas Corpus Section

August 31, 2007

Via Facsimile: 212-805-7927

Honorable Naomi R. Buchwald
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 2270
New York, New York 10007



Re: Sosa v. Mohawk
07 Civ. 5916 (NRB)

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Your Honor:

I represent the respondent in the above-referenced habeas corpus proceeding. I write respectfully to request a 60-day extension of time within which to file a response to petitioner's habeas corpus petition, from September 5 to November 5, 2007.

The reason for my request is that I have not yet received any of the paperwork necessary to a habeas response, although our office has ordered the state court record and the District Attorney's file. I note that although this Court signed the Rule 4 order on July 5, 2007, this office did not receive the petition until August 2nd, and so the delay in processing and assigning the petition lead to a delay in ordering these materials.

Additionally, I respectfully request a 60-day extension because of work backlog created by staff shortages and unprecedented work increases. The habeas unit, usually comprised of 10 attorneys, has been functioning with 8 attorneys, and over the summer had as few as 7 attorneys. Our unit, and I, have been performing motion work for the criminal prosecution bureau and overflow work for the criminal appeals unit as well; those units suffered about a 50% loss during the transition period and the criminal prosecution bureau is still not up to full staff. Additionally, this Office has been receiving an increasing number of requests from upstate District Attorney's offices to respond to habeas petitions. Consequently, we all have work backlogs and must finish work that came in earlier (and as to which due dates have been extended) before turning to new cases. In September alone, I owe habeas responses in Harden v. LaClair, 07 Civ. 4592 (JCF) (I

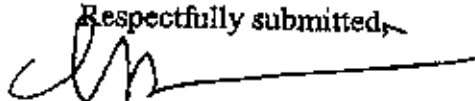
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may seek a second extension in that case), due September 10th, Timmers v. Mance, 07-CV-2470 (EDNY), due September 14th, Vigliotti v. Artus, 06-CV-1194 (NDNY), due September 17th, Santana v. Mance, 07 Civ. 5644 (SDNY), due September 24th, Brito v. Fischer, 06-CV-1463 (NDNY), due September 28 and Parker v. Broole, 07-CV-0373 (NDNY), due September 30th. The Vigliotti petition, which is on a second extension, pleads 43 grounds and because the grounds, though obviously excessive in number, are clearly stated, I have no basis to move against the petition. Thus far, I have worked on this single petition for the past three weeks. Under these circumstances, an extension of time would be greatly appreciated.

This is my first extension request. I have not sought petitioner's position on this request, as he is incarcerated and proceeding *pro se*. I will make every effort to try and file a response in advance of November 5th.

Thank you very much for your consideration.

Respectfully submitted,



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cc: Gilberto Sosa, 03-A-1881
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